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Representing the United States of America

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

United States Of America,)	Case No. 2:20-mj-00307-DJA
Plaintiff,)	
)	<u>Stipulation To Continue Preliminary</u>
vs.)	<u>Hearing</u>
)	(First Request)
JAIQUAN LOVE, and)	
)	
ANDRE JENNINGS,)	
)	
Defendants.)	

IT IS HEREBY STIPULATED AND AGREED by and between, Nicholas A. Trutanich, United States Attorney, District of Nevada; Kimberly Sokolich, Assistant United States Attorney, representing the United States of America; Ivette Maningo, Esq., representing Defendant Jaiquan Love; and Brian Smith, Esq., representing Defendant Andre Jennings, that the preliminary hearing in the above captioned case, which is currently scheduled for May 13, 2020 at 4:00 pm, be continued and reset to a date and time convenient to the Court, but no sooner than sixty (60) days.

1. On March 16, 2020, the Chief Judge of the U.S. District Court for the District of Nevada issued Temporary General Order 2020-03, which found that due to the outbreak of the coronavirus disease 2019 ("COVID-2019") in the District of Nevada,

1 the declaration by the Governor of the State of Nevada of a public health emergency
2 due to the spread of COVID-19 in Nevada, and the declaration of local emergencies
3 by local governments due to COVID-19, including Clark County, the Court has
4 sustained “reduced ability to obtain an adequate spectrum of jurors,” and it noted the
5 effects of public health recommendations, including “social distancing measures.”
6 General Order 2020-03 accordingly continued all civil and criminal trials until April
7 10, 2020, pending further order of the Court and found that “the ends of justice are
8 best served by ordering the continuances, which outweighs the best interests of the
9 public and any defendant’s right to a speedy trial under 18 U.S.C. § 3161(h)(7)(A).”

10 2. On March 19, 2020, the Chief Judge of the U.S. District Court for the District of
11 Nevada issued Temporary General Order 2020-04 (collectively with General Order
12 2020-03, “the General Orders”), which noted that “the COVID-19 pandemic has
13 continued to spread,” resulting in the need for “more aggressive social-distancing
14 measures.” The Court noted further that, “[o]n March 17, 2020, the Governor of the
15 State of Nevada ordered the closure of many business establishments and strongly
16 encouraged all citizens to stay home.” Accordingly, the Court ordered the temporary
17 closure of the Clerk’s office, and implemented other changes, including “striving to
18 eliminate in-person court appearances.” In the event any hearing must go forward,
19 the Court will conduct the hearing via video or teleconference. On April 29, 2020, the
20 Court amended this order, continuing the closure of the clerk’s office and notes future
21 plans to “incrementally resume in-person court appearances as appropriate based on
22 recommended health guidelines.”

23 3. Accordingly, based on the public health emergency brought about by the COVID-
24 2019 pandemic, and the required social-distancing measures as recognized in the

General Orders; the parties agree to continue the currently scheduled preliminary hearing from May 13, 2020 at 4:00 pm to a date and time convenient to the Court, but no sooner than sixty (60) days.

4. Federal Rule of Criminal Procedure 5.1(d) provides that a magistrate judge may extend the time limits in Rule 5.1(c) with the defendant's consent and upon a showing of good cause taking into account the public interest in the prompt disposition of criminal cases. Because of the COVID-19 pandemic, and the resulting various closures and resource limitations, good cause exists to allow the defense more time to prepare for the preliminary hearing.

5. The time from May 13, 2020 to the new preliminary hearing date will be excludable under the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), which provides that the Court may exclude time arising from a continuance upon finding that the ends of justice served by granting the continuance outweigh the best interests of the defendant and the public in a speedy trial.

6. Additionally, the government will provide counsel for each defendant with limited Rule 16 Discovery in order to facilitate a pre-indictment resolution. Counsel for each defendant requests an opportunity to review the discovery and discuss it with their respective client prior to a preliminary hearing or indictment.

7. This continuance is not sought for purposes of delay, but to account for the necessary social-distancing in light of the COVID-2019 public health emergency and allow defense counsel an opportunity to review discovery with their client.

8. Both counsel for the defendants and counsel for the government agree to the continuance.

9. The defendants are not detained and agree to the continuance.

10. Denial of this request could result in a miscarriage of justice, and the ends of justice served by granting this request outweigh the best interest of the public and the defendants in a speedy trial.

11. The additional time requested by this stipulation is excludable in computing the time within which the indictment must be filed pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(b), and considering the factors under Title 18, United States Code, Section 3161(h)(7)(A) and (B)(i) and (iv).

12. This is the first request to continue the preliminary hearing.

DATED this 6th day of May, 2020.

NICHOLAS A. TRUTANICH
United States Attorney

/s/ Brian Smith
Brian Smith
Counsel for Defendant Andre Jennings

/s/ Kimberly Sokolich
KIMBERLY A. SOKOLICH
Assistant United States Attorney

/s/ Ivette Maningo
Ivette Maningo
Counsel for Defendant Jaiquan Love

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

United States Of America,
Plaintiff,

vs.

JAIQUAN LOVE, and
ANDRE JENNINGS
Defendants.

Case No. 2:20-mj-00307-DJA

Findings and Order on Stipulation

Based on the pending Stipulation between the defense and the government, and good cause appearing therefore, the Court hereby finds that:

1. To account for the necessary social-distancing in light of the COVID-2019 public health emergency and with the defendants' consent, the preliminary hearing in this case should be continued for good cause.
2. The government will provide counsel for each defendant with limited Rule 16 Discovery in order to facilitate a pre-indictment resolution. Counsel for each defendant requests an opportunity to review the discovery and discuss it with their respective client prior to a preliminary hearing or indictment.
3. Both counsel for the defendants and counsel for the government agree to the continuance.
4. The defendants are not detained and agree to the continuance.
5. This continuance is not sought for purposes of delay.
6. Denial of this request could result in a miscarriage of justice, and the ends of justice served by granting this request outweigh the best interest of the public and the defendants in a speedy trial.

7. The additional time requested by this stipulation is excludable in computing the time within which the indictment must be filed pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(b), and considering the factors under Title 18, United States Code, Section 3161(h)(7)(A) and (B)(i) and (iv).

THEREFORE, IT IS HEREBY ORDERED that the preliminary hearing in the above-captioned matters currently scheduled for May 13, 2020 at 4:00 pm, respectfully, be vacated and continued to July 17, 2020 at 4:00 p.m.

DATED this 6th day of May, 2020.

A handwritten signature in blue ink, appearing to read 'D. Albregts', is written over a horizontal line.

THE HONORABLE DANIEL ALBREGTS
United States Magistrate Judge